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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

UNITED STATES OF AMERICA.,

vs.

JACOB KINGSTON, ISAIAH KINGSTON, LEV
DERMEN, RACHEL KINGSTON and
SALLY KINGSTON,

Defendant.

LATTER DAY CHURCH OF CHRIST,

Third Party Claimant.

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AMENDED PETITION TO ASSERT
THIRD-PARTY INTEREST
IN PROPERTY

Case No. 2:18-cr-00365-JNP

District Judge Jill N. Parrish

Petitioner, Latter Day Church of Christ by and through its counsel, Carl E. Kingston, and pursuant to Title 18 U.S.C. Sec. 982, Title 21 U.S.C. sec. 853(n), and Rule 32.2 of the Federal Rules of Criminal Procedure, hereby files this Petition to assert its interest in specific property named in this Court's Preliminary Order of Forfeiture (ECF No. 1397) filed March 24, 2023. All exhibits referenced herein refer to the attached exhibits to the PETITION TO ASSERT THIRD-PARTY INTEREST IN PROPERTY previously filed by the Latter Day Church of Christ.

Petitioner Latter Day Church of Christ asserts its claim to the real property described in paragraphs 4 and 5 on page 1 of Exhibit 1 attached to (ECF No. 1397), located at 1415 West Crystal Ave West Valley City, UT 83119, which is legally described as:

BEG S. 198 FT FR NW COR LOT 12, BLK 12, CHESTERFIELD PLAT A SUB; E 264 FT; S

615.67 FT M OR L; S 79DEG 06'31" W 203.56 FT; W"LY 65.43 FT ALONG A 1687 FT

RADIUS CURVE TO L (CHD S 77 DEG. 59'51" W 65.43 FT); N 667.71 FT M OR L TO BEG

5419-1968 8408-6652 9612-8315 10220-331, Tax ID; 15-22-476-016-0000.. Tax ID; 07-097-0-003 and 07-097-0-0004.

And also 1401 Crystal Ave, West Valley City, UT 84119, which is legally described as:

Beginning at a point South 198 feet from the NE Corner of LOT 10, BLOCK 11,

CHESTERFIELD PLAT "A" SUBDIVISION and running thence West 286 feet; thence South 615,68 feet more or less thence North 79 DEG 06'31" EAST 291.13 feet; thence North 560,65 feet more or less to the point of beginning. Ta ID:15-22-476-018.

Facts supporting the Petitioner's claim, and the relief sought

1. Latter Day Church of Christ is the owner of the real property.
2. Latter Day Church of Christ purchased the Properties from Patrick A. Laveder and Guy Pete Laveder and has been the legal owner and held fee title to the Properties at all times since March 2014. A copy of the Warranty Deeds transferring title to Latter Day Church of Christ is attached hereto as Exhibit "A".
3. Safeco Investments, Inc. provided funding for the purchase.
4. Petitioner Inc did not inquire about the source of the funds borrowed from Safeco. Petitioner never knew or even suspected that any of the funds came from any activities of Washakie Renewable Energy, or Jacob or Isaiah Kingston.

5. Criminal Defendants Jacob and Isaiah Kingston entered guilty pleas in this matter on July 18, 2019.
6. Petitioner was not aware of the criminal activities for which Jacob and Isaiah Kingston have been convicted by pleas of guilty until 2018, when their case became public and the details came out in the media.
7. Relative to the subject Property, Latter Day Church of Christ is a bona fide purchaser for value of the right, title, or interest in the Property and was at the time of purchase reasonably without cause to believe that the Property was subject to forfeiture under this Section. Therefore, the order of forfeiture is invalid in whole or in part.

Additional Allegations

8. Upon information and belief, Petitioner alleges that the Court's Preliminary Order of Forfeiture (ECF No. 1397) was entered based upon false misleading and incomplete information received from the United States.
9. The nature of this proceeding, in which rulings were made during the time Petitioner was specifically barred from participation has resulted and will continue to result in a deprivation of Petitioner's property interests without affording due process of law.
10. The available statutory remedies provided by 21 U.S.C. sec. 853(n)(6) are inadequate to ensure that Petitioner is provided Due Process of Law.
11. The Government's seizures and proposed forfeitures in this matter have been based upon vague classifications grounded in religious affiliation in contravention of the Free Exercise Clause and the Establishment Clauses of the First Amendment to the United States Constitution.

Dated this 25 day of October, 2023.

s/Carl E. Kingston
Attorney for Latter Day Church of Christ

AFFIDAVIT OF DEBORAH WILLIAMS

STATE OF UTAH)

:ss.

COUNTY OF SALT LAKE)

I, DEBORAH WILLIAMS, being first duly sworn, depose and state as follow:

1. I am over the age of eighteen years old.
2. I am the secretary of Latter Day Church of Christ.
3. I swear under penalty of perjury, the facts stated in the attached *Amended Petition to Assert Third Party Interest in Property* are true and accurate to the best of my knowledge and belief.

Deborah Williams

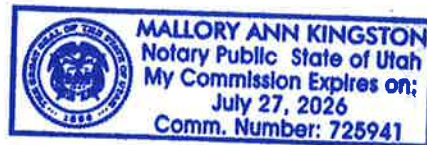
Deborah Williams

On the 17 day of October, 2023, Deborah Williams personally appeared before me who, being first duly sworn upon oath, stated she had read the foregoing Affidavit and that the statements contained therein were true and correct to the best of her knowledge and belief.

Mallory Kingston

Notary Public

My Commission Expires: 7/27-26



Certificate of Service

I hereby certify that on this 25 day of October, 2023, I electronically filed the foregoing Petition to Assert Third Party Interest in Property with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all parties and co-defendants.

/s/ Shaile McKenneye